

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rita Bobe-Saleh	Team: Team # 2	CCRB Case #: 201203710	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/16/2012 5:05 PM	Location of Incident: St. Johns Place and § 87(2)(b)	Precinct: 77	18 Mo. SOL 9/16/2013	EO SOL 9/16/2013	
Date/Time CV Reported Fri, 03/16/2012 5:28 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/22/2012 1:13 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Savage	16249	939427	077 PCT
2. POM Jason Marsman	17882	937032	077 PCT
3. SGT Vitaliy Zelikov	01346	936353	PBBN
4. POF Katrina Weekes	00210	949787	PBBN
5. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Marsman	Abuse: PO Jason Marsman stopped § 87(2)(b)	§ 87(2)(b)
B.POM Christophe Savage	Discourtesy: PO Christopher Savage spoke discourteously to § 87(2)(b) and an individual.	§ 87(2)(b)
C.POM Jason Marsman	Abuse: PO Jason Marsman searched § 87(2)(b)	§ 87(2)(b)
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) and an individual.	§ 87(2)(b)
E.SGT Vitaliy Zelikov	Discourtesy: Sgt. Vitaliy Zelikov spoke discourteously to § 87(2)(b) and an individual.	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(4-b) § 87(2)(g)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(4-b) § 87(2)(g)	§ 87(2)(b)

### Case Summary

On March 16, 2012, § 87(2)(b) called the Internal Affairs Bureau and filed a complaint on behalf of herself and her nephew, § 87(2)(b) under IAB log # 12-15517 (encl. 3A). Her complaint was forwarded to the CCRB on March 22, 2012 (encl. 3B-C).

On March 16, 2012, at approximately 5:05 p.m., officers stopped § 87(2)(b) at St. Johns Place and § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A – Abuse of Authority: PO Jason Marsman stopped § 87(2)(b)**
- **Allegation C – Abuse of Authority: PO Jason Marsman searched § 87(2)(b)**  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation B – Abuse of Authority: PO Christopher Savage spoke discourteously to § 87(2)(b) and § 87(2)(b)**  
**Allegation E – Discourtesy: Sgt. Vitaliy Zelikov spoke discourteously to § 87(2)(b)**  
§ 87(2)(b) and § 87(2)(b) § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation D – Abuse of Authority: An officer spoke discourteously to § 87(2)(b)**  
§ 87(2)(b) and § 87(2)(b)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(b) initially agreed to mediate this complaint. § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

This case was initially assigned to Inv. Constantinos Stivaros. Upon his resignation, it was reassigned to Inv. Rosemary Espinal on May 29, 2012. Upon her recent promotion, it was reassigned to SI Rita Bobe-Saleh for closing.

## Results of Investigation

### Civilian Statements

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) -old black female, 6'0" tall, 260 pounds, with black hair and brown eyes. § 87(2)(b)  
§ 87(2)(b) is employed as § 87(2)(b)

### CCRB Testimony

§ 87(2)(b) provide a brief phone statement to the CCRB on March 23, 2012 (encl. 3D). She was interviewed at the CCRB on April 4, 2012 (encl. 3F-G). § 87(2)(g)

On March 16, 2012, at approximately 5:05 p.m., § 87(2)(b) walked to her home on § 87(2)(b) when she noticed her nephew, § 87(2)(b) coming down the street and an open parking spot in front of her house. § 87(2)(b) asked § 87(2)(b) if he could stand in the parking spot so she could go get her car and put it in the better spot. § 87(2)(b) agreed. As soon as § 87(2)(b) turned around to go get her car, four marked police cars arrived, and three uniformed officers surrounded § 87(2)(b) PO1, described as a white male, 6'1"-6'2" tall, with dark brown hair, was identified by the investigation as PO Jason Marsman and PO2, whom § 87(2)(b) initially noted she could not describe but later described as a tall male with brown hair, grabbed § 87(2)(b) from his shoulder, turned him around, and pushed him against a parked car on the curb.

§ 87(2)(b) asked what was going on. An officer, PO3, who she identified as PO Savage from his shield and name plate and described as a white male, 5'8"-5'9" tall, medium build, approximately 26 years old, approached § 87(2)(b) and said, "step the fuck back" and put out his arms to keep her from walking around to § 87(2)(b) § 87(2)(b) said the officers were making a mistake because they just got there. PO Savage again said "step the fuck back." § 87(2)(b) told PO Savage not to talk to her like that and to explain what was going on. PO Savage said § 87(2)(b) fit the description of someone that committed a crime. § 87(2)(b) said that was impossible because they just got to the location. While § 87(2)(b) was having this conversation with PO Savage, PO Marsman searched § 87(2)(b)'s front and rear pants pockets.

PO2 approached § 87(2)(b) and asked her if she gets in everyone's' affairs. § 87(2)(b) said § 87(2)(b) was her nephew. PO Savage asked § 87(2)(b) how long § 87(2)(b) was her nephew. § 87(2)(b) said forever and that she was a city worker just like him and had no reason to lie to him. PO4, described as a white male, 5'8", and bald approached § 87(2)(b) and told her not to keep going back and forth with PO Savage. PO4 stated that they have a complaint which fits § 87(2)(b)'s description and that the complainant was going to show up on the scene. PO Savage said everyone was a "fucking city worker." PO2 said "I don't understand these fucking people" and turned to PO Marsman and told him to check § 87(2)(b)'s shorts. PO Marsman pulled down § 87(2)(b)'s sweatpants to expose his undergarments and frisked his undergarment. PO Marsman did not put his hands inside § 87(2)(b)'s undergarments. His legs and socks were then frisked. PO Marsman was the only officer that searched or frisked § 87(2)(b)

A man who lives in the neighborhood who § 87(2)(b) only knows as § 87(2)(b) asked where the officer's sergeant was. PO Savage said "Get the fuck out of here if you're not going to help" to § 87(2)(b) PO5, described as a white male, 6'1"-6'2" tall, with blond hair exited the same car as PO Marsman, PO2, and PO Savage, said he was the sergeant on scene, identified by the investigation as Sgt. Vitaliy Zelikov. § 87(2)(b) asked Sgt. Zelikov if he was going to let the officers speak that way to which Sgt. Zelikov said he had a job to do and he did not "fucking" care how anyone felt. Another marked patrol car arrived on the scene and § 87(2)(b) assumed it was the complainant. Sgt. Zelikov made a hand gesture to the officers on scene to leave. All the officers then released § 87(2)(b) and walked away. § 87(2)(b) said "thanks for the apology" and PO Savage and Sgt. Zelikov laughed. All the officers then left the scene. § 87(2)(b) stated that she had no interaction with any other officers on scene. She saw a black female officer on scene, identified as PO Katrina Weekes, two unidentified white males on the street corner, and four unidentified additional officers inside a car they did not exit. All the officers involved were in uniform. The entire interaction lasted approximately fifteen minutes.

**Victim:** § 87(2)(b)

- § 87(2)(b) did not provide any pedigree information during his telephone statement.

**Telephone Statement**

On April 4, 2012, § 87(2)(b) provided a telephone statement to the CCRB (encl. 3E).

On March 16, 2012, at approximately 5:05 p.m., § 87(2)(b) got out of a dollar van and proceeded to walk to § 87(2)(b) to meet his aunt, § 87(2)(b). Approximately twenty minutes later, three police cars and one van arrived on the scene. Six officers ran up to § 87(2)(b) and told him he matched the description of an individual who had assaulted a female. PO1, described as a 6'1" tall white male, of slim build, who weighed approximately 180 to 200 lbs., who was identified through the investigation as PO Jason Marsman, and PO2, who was described as a Hispanic male of stocky build, identified by the investigation as PO Christopher Savage searched § 87(2)(b)'s underwear. PO3, who was described as a dark-skinned female, identified by the investigation as PO Katrina Weekes, and PO4 and PO5, who were both described as short black males were also present, PO6 who was described as a 6'1" tall white male, who identified himself as a sergeant, identified by the investigation as Sgt. Vitaliy Zelikov, all frisked § 87(2)(b)'s out layer of clothes after he had been searched by the aforementioned officers. § 87(2)(b) was told by the officers that they thought he had a gun. § 87(2)(b) said it was not him and his aunt repeated this. PO Marsman cursed at § 87(2)(b)'s aunt and asked her if § 87(2)(b) was her nephew. She said he was. PO Marsman said "get the fuck out of here" "don't fucking say that" and "bitch, I'll lock you up" to § 87(2)(b).

**Witness:** § 87(2)(b)

- § 87(2)(b) did not provide any pedigree information during her telephone statement.

**Telephone Statement**

On April 9, 2012, § 87(2)(b) provided a telephone statement (encl. 3K).

§ 87(2)(b) walked outside to see what was happening. An officer explained that they had a report of an individual assaulting his girlfriend inside a dollar van and that his description matched § 87(2)(b). The victim of the alleged assault arrived on the scene in a police car and

did not identify § 87(2)(b) as the perpetrator. The officers released § 87(2)(b) and he left the scene. § 87(2)(b) did not see the interaction between § 87(2)(b) and the officers.

### **Attempts to Contact Civilians**

Contact could not be established with the individual § 87(2)(b) identified as § 87(2)(b) § 87(2)(b). § 87(2)(b) identified the aforementioned name as to what he is known as in the neighborhood. § 87(2)(b) did not know this individual's full name or have any contact information for him.

Between April 4, 2012, and April 25, 2012, five calls were placed to § 87(2)(b) and messages were left requesting a call back. On April 12, 2012, and on April 25, 2012, two letters were mailed to § 87(2)(b) and the letters were not returned to the CCRB. To date, § 87(2)(b) has not contacted the CCRB nor was he incarcerated at the time contact attempts were made.

### **NYPD Statements:**

#### **Subject Officer: PO CHRISTOPHER SAVAGE**

- § 87(2)(b) -old white male, 5'9" tall, 170 lbs., brown hair, brown eyes.
- On March 16, 2012, PO Savage worked from 3:00 p.m. to 11:35 p.m. He was assigned to sectors A, B, C with PO Jason Marsman. PO Savage was dressed in uniform and was assigned to a marked vehicle. PO Marsman was the operator of the vehicle.

#### **Memo Book** (Encl. 4B-E)

1658: Firearm 10-52 East Plaza-Vanderbilt

1717: (93Q) #§ 87(2)(b)

1736: (90F1) #§ 87(2)(b)

1819: (91)

fly sheet: § 87(2)(b) § 87(2)(b) § 87(2)(b)

### **CCRB Testimony**

PO Christopher Savage was interviewed at the CCRB on June 14, 2012 (encl. 4F-H).

On March 16, 2012, at approximately 4:58 p.m., PO Savage and PO Marsman were on regular patrol and received a radio run for a family dispute with a firearm at Plaza Street East and Vanderbilt Avenue in Brooklyn. As PO Savage and PO Marsman proceeded to the location, PO Savage kept radioing central to get a better address and description for the complainant. According to PO Savage, the dispute involved a girlfriend and boyfriend. The dispatcher stated that the perpetrator was a young male, black, wearing a Nike T-shirt. PO Savage did not recall the exact description provided of the perpetrator. The complainant had said that the perpetrator was walking down from Plaza Street and Vanderbilt Avenue down to St. Johns Place, which would be east down St. John's Place, around § 87(2)(b).

When PO Savage and PO Marsman arrived at Plaza Street East and Vanderbilt Avenue, PO Savage and PO Marsman observed § 87(2)(b) identified through the investigation as § 87(2)(b) who was the only one that fit the description of a young male black wearing a Nike t-shirt. § 87(2)(b) carried a book bag on his back. PO Savage did not recall the color of the t-shirt § 87(2)(b) was wearing. PO Savage saw a few other individuals walking at the location. Within approximately thirty seconds to a minute of arriving at the location, PO Savage and PO Marsman

approached § 87(2)(b) and both officers called him over as he started to walk in the direction of the other individuals. § 87(2)(b) complied immediately.

The officers informed § 87(2)(b) that he fit the description of a male with a firearm involved in a dispute. At this point, PO Savage stepped back approximately five feet away from § 87(2)(b) and began to radio central for any additional information. PO Marsman solely interacted with § 87(2)(b). PO Savage had no physical or verbal interaction with § 87(2)(b) after this point.

PO Savage did not recall what conversation PO Marsman had with § 87(2)(b) given that he was on his radio getting additional information from the dispatcher who had tried to call the complainant twice but it went to voicemail. § 87(2)(b) and PO Marsman were facing each other at this time, with § 87(2)(b) facing towards PO Savage's direction and PO Marsman's back to PO Savage.

Through this viewpoint, PO Savage saw PO Marsman frisk § 87(2)(b) around his waistband. PO Savage did not see PO Marsman look inside § 87(2)(b)'s underwear. PO Savage did not recall seeing any bulges on § 87(2)(b). § 87(2)(b) was not pushed against a vehicle. The frisk was not violent in nature and § 87(2)(b) did not resist or display any opposition.

PO Savage indicated that PO Marsman searched § 87(2)(b)'s book bag. PO Savage did not know what led to the search of the bag since he could not hear the exchange between § 87(2)(b) and PO Marsman. PO Savage believed that the book bag had remained on § 87(2)(b)'s back and that the bag was unzipped. PO Savage did not know whether PO Marsman dug his hand inside § 87(2)(b)'s book bag. PO Savage indicated that there was no opposition from § 87(2)(b) in terms of looking into his book bag and assumed that permission had been obtained due to everyone's demeanor. PO Savage indicated that § 87(2)(b) was carrying video games but later clarified that this was established through conversation with § 87(2)(b). PO Savage never saw the video games. PO Savage remained on his radio with central for approximately three to four minutes throughout this exchange.

§ 87(2)(b) arrived at the location from the start of the incident and approached the officers telling them that the male they had stopped was her nephew. At the same time as her arrival, an unidentified male arrived to the scene and told the officers they had the wrong guy. PO Savage had no physical or verbal interaction with § 87(2)(b) or this individual. § 87(2)(b) asked what was happening and reiterated that § 87(2)(b) was her nephew. Later on in the process of the investigation § 87(2)(b) stated that § 87(2)(b) was not her nephew. After § 87(2)(b) arrived, another male, approached the officers and stated that they had the wrong person. PO Savage and PO Marsman ignored this individual and had no interaction with him.

Sgt. Vitaliy Zelikov arrived at the location as § 87(2)(b) was being frisked. Sgt. Zelikov arrived in a marked police van full of impact officers. None of these arriving officers interacted with § 87(2)(b). PO Savage believed that Sgt. Zelikov did not have verbal or physical interaction with § 87(2)(b).

§ 87(2)(b)'s demeanor began to escalate after the additional officers arrived along with Sgt. Zelikov. PO Savage could not hear the verbal exchange from § 87(2)(b) or the officers' responses.

At the end of the incident, after PO Marsman and PO Savage obtained § 87(2)(b)'s pedigree information, Sgt. Zelikov told PO Savage and PO Marsman to go find the complainant to see if § 87(2)(b) was the perpetrator involved in the dispute. Sgt. Zelikov told PO Marsman and PO Savage that if § 87(2)(b) was not the perpetrator to then prepare a Stop, Question and Frisk report for § 87(2)(b).

PO Savage and PO § 87(2)(b) found the complainant approximately a half hour later in front of § 87(2)(b). PO Savage prepared a domestic incident report and found that the perpetrator was not § 87(2)(b). A Stop, Question and Frisk report was prepared for § 87(2)(b).

The other impact officers that had arrived with Sgt. Zelikov had about three months on the job and went nowhere near § 87(2)(b). PO Savage explained that many times civilians arrive to a scene but they have nothing to do with the matter and get ignored. PO Savage did not tell § 87(2)(b) to step "the fuck" back. He did not hear PO Marsman tell § 87(2)(b) to "step the fuck back." Neither PO Savage, nor PO Marsman or Sgt. Zelikov used any obscene language toward § 87(2)(b). Neither PO Savage nor PO Marsman told § 87(2)(b) to get "the fuck" out of there, and "don't fucking say that" or tell her "bitch, I'll lock you up." § 87(2)(b) was not threatened with arrest. Neither PO Savage nor PO Marsman told § 87(2)(b) to get the fuck out of there if he was not going to help. None of the officers at the scene used discourteous/profane remarks towards any individuals.

**Subject Officer: PO JASON MARSMAN**

- § 87(2)(b) -old white male, 6'0" tall, 190 lbs., black hair, hazel eyes.
- On March 16, 2012, PO Marsman worked from 3:00 p.m. to 11:35 p.m. PO Marsman was assigned to sector A with PO Christopher Savage. PO Marsman was dressed in uniform and was assigned to a marked police vehicle. PO Marsman was the operator.

**Memo Book** (Encl. 4P-R)

1658- East Plaza Street/Vanderbilt

1717- 93Q 250 prepared for male stopped at St. John and § 87(2)(b) § 87(2)(b) male black, § 87(2)(b) § 87(2)(b), fits clothing description.

1736- 90F1 (Domestic incident report).

**Stop, Question and Frisk Report**

PO Marsman prepared a Stop, Question and Frisk Report for § 87(2)(b) (encl. 4J-L). There were no inaccuracies between the digital print-out and the handwritten report. § 87(2)(b) was suspected of criminal possession of a weapon, and was observed for one minute. The circumstance leading to the stop was listed as fits description. PO Marsman noted § 87(2)(b)'s pedigree as a § 87(2)(b)-old black male, 5'9", 150lbs., with a thin build, black hair and brown eyes. PO Marsman listed that hands were on the suspect and that § 87(2)(b) was frisked because a violent crime was suspected. § 87(2)(b) was not searched, no weapon was found, and he was compliant. The additional circumstances were listed as a report from a victim/witness and SPRINT #§ 87(2)(b). The stop lasted 3 minutes.

**CCRB Testimony**

PO Marsman was interviewed at the CCRB on June 22, 2012 (encl. 4P-R). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The description provided over the radio was of a black male, wearing a black Adidas jumpsuit with white stripes.

Upon approach, PO Marsman asked § 87(2)(b) if he had a fight with anyone, where he was going and where he had come from. § 87(2)(b) had no knowledge of the dispute. § 87(2)(b) was annoyed initially and had continued walking but stopped upon request.

PO Marsman frisked § 87(2)(b) because the job was for an assault, he fit the description and he did not know the means of the assault (punched, slapped, stabbed etc.). A firearm was not reported for this incident. Additionally, based on § 87(2)(b)'s initial uncooperativeness and annoyance, PO Marsman wanted to make sure that § 87(2)(b) did not have any weapons on him. PO Marsman noted could not describe how § 87(2)(b) was uncooperative or what about his actions portrayed annoyance. PO Marsman ran his hands through § 87(2)(b)'s outer garments, from his shoulders to his legs. PO Marsman did not recall whether § 87(2)(b) had a book bag on him or had anything in his hands. PO Marsman did not expose § 87(2)(b)'s undergarments. PO Marsman did not feel anything suspicious on § 87(2)(b). PO Marsman did not recall whether § 87(2)(b) was asked to empty his pockets. PO Savage did not frisk § 87(2)(b). § 87(2)(b) was not searched.

Sgt. Zelikov arrived on the scene with his operator a short time after § 87(2)(b). § 87(2)(b) stood within approximately one foot from the officers. § 87(2)(b) yelled from down the block and was very argumentative throughout the incident. PO Marsman did not recall whether he or PO Savage had any verbal or physical interaction with § 87(2)(b). PO Marsman did not tell § 87(2)(b) to step "the fuck" back and did not hear PO Savage state that to her. § 87(2)(b) did not physically attempt to interfere with the officers and § 87(2)(b). PO Marsman did not hear PO Savage use any obscene language against § 87(2)(b) or any other officer at the scene do so.

PO Marsman did not hear Sgt. Zelikov use any obscene language during this incident. PO Marsman did not use any obscene language toward any individual during this incident. PO Marsman refused to review the digital print-out of the Stop, Question and Frisk report because he did not know the accuracy of the report.

**Subject Officer: SGT VITALIY ZELIKOV**

- § 87(2)(b) -old white male, 6'0" tall, 210 lbs., brown hair, green eyes.
- On March 16, 2012, Sgt. Zelikov worked from 1:00 p.m. to 9:57 p.m. He was assigned as the 75<sup>th</sup> Precinct impact sergeant with PO Katrina Weekes as his operator. Sgt. Zelikov was dressed in uniform. He was initially assigned to vehicle 4936 and switched to a marked patrol car #3854.

**Memo Book**

Sgt. Zelikov had no memo book entries pertaining to this incident (encl. 4T-U).

**CCRB Testimony**

Sgt. Vitaliy Zelikov was interviewed at the CCRB on July 27, 2012 (encl. 4V-N).

On March 16, 2012, at approximately 5:00 p.m., Sgt. Vitaliy Zelikov received a radio transmission of a call for man with a gun (10-10 male with a gun) at St. Johns Place and



§ 87(2)(b) in Brooklyn. Sgt. Zelikov proceeded to the location immediately with his operator, PO Katrina Weekes. Sgt. Zelikov did not recall the specific description given over the radio of the male with the gun.

Upon arriving at the scene, Sgt. Zelikov observed PO Christopher Savage. He did not recall who PO Savage's partner was, identified by the investigation as PO Jason Marsman. Sgt. Zelikov and PO Weekes arrived at the location within a couple of minutes after PO Savage and PO Marsman and remained as backup for safety reasons. PO Weekes and Sgt. Zelikov had no physical or verbal interaction with the civilians at the scene. PO Savage and PO Marsman had

§ 87(2)(b) stopped at the location who matched the description of the male, identified by the investigation as § 87(2)(b). Sgt. Zelikov did not remember what § 87(2)(b) was wearing and whether he had a book bag or anything in his hands. There was also a female on the scene, identified through the investigation as § 87(2)(b). Sgt. Zelikov did not recall any other civilians other than § 87(2)(b) and § 87(2)(b) being present at the scene.

Sgt. Zelikov and PO Weekes never exited their vehicle but had their window open. Sgt. Zelikov's vehicle was double parked on the curb, observing the incident. § 87(2)(b) was within close proximity, approximately two feet, from the officers and appeared to be upset as she was yelling and using obscenities. Sgt. Zelikov did not recall any specific statements made by § 87(2)(b). The officers explained to § 87(2)(b) why they had stopped § 87(2)(b).

Sgt. Zelikov was not sure whether a frisk was conducted. Sgt. Zelikov did not witness PO Marksman or PO Savage search § 87(2)(b)'s person or a backpack.

Sgt. Zelikov did not hear PO Savage or PO Marsman tell § 87(2)(b) "step the fuck back" or that everyone is a "fucking city worker or understand these fucking people." Sgt. Zelikov did not witness PO Savage tell § 87(2)(b) to "Get the fuck out of here if you are not going to help." Sgt. Zelikov did not hear any officer use obscene language. Sgt. Zelikov denied that he used any profanity or discourtesy at the scene towards the civilians. Sgt. Zelikov did not remember if any other officers were present or responded to this scene. Sgt. Zelikov did not have any further interaction with PO Marksman or PO Savage once the incident concluded and left the location.

**Subject Officer: PO KATRINA WEEKES**

- § 87(2)(b) -old black female, 5'4" tall, 156 lbs., with brown hair and brown eyes.
- On March 16, 2012, PO Weekes worked from 1:00 p.m. to 9:35 p.m. She was assigned to impact foot post #13. She did not recall the name of her partner (not steady). PO Weekes was dressed in uniform and was not assigned a vehicle.

**Memo Book**

PO Weekes had no memo book entries related to this incident (encl. 5A-B).

**CCRB Testimony**

PO Weekes was interviewed at the CCRB on October 11, 2012 (encl. 5A-B).

On March 16, 2012, at approximately 5:00 p.m., PO Weekes was standing at her assigned foot post, at an unrecalled location, when Sgt. Vitaliy Zelikov picked her up in a marked radio motor patrol vehicle. At the time, there was a radio transmission put over the officers' radios but PO Weekes did not recall the details of the job. PO Weekes and Sgt. Zelikov headed to the location

where officers had § 87(2)(b) identified by the investigation as § 87(2)(b) stopped. PO Weekes did not recall how § 87(2)(b) was dressed.

PO Weekes corroborated Sgt. Zelikov's testimony as to their actions at the scene and that they remained in their vehicle throughout the incident. She also corroborated Sgt. Zelikov's statement as to the actions taken by PO Marsman and PO Savage at the scene, that § 87(2)(b) was frisked and not searched.

PO Weekes was presented with § 87(2)(b)'s photo and did not recognize her. PO Weekes did not see § 87(2)(b) interact with either PO Savage or PO Marsman. PO Weekes indicated that the main focus of the stop was § 87(2)(b) not § 87(2)(b). PO Weekes did not see any other civilians arrive on the scene.

PO Weekes did not hear PO Savage or PO Marsman use any obscene language towards any civilians. PO Weekes did not hear any officer state, "stay the fuck back." PO Weekes did not hear PO Savage state to § 87(2)(b) that everyone is a "fucking" city worker, or hear any officer state, "I don't understand this "fucking" people. PO Weekes did not hear any officer state, "get the fuck out of here if you are not going to help."

### **NYPD Documents**

#### **SPRINT #§ 87(2)(b)**

At 4:52 p.m., a female caller states the father of her child hit her and she refused medical attention. Female caller described a male black wearing red hat and black coat. He went into § 87(2)(b). Sector 77A prepared a domestic incident report (encl. 6B).

#### **SPRINT #§ 87(2)(b)**

At 4:57p.m., an anonymous female caller reported that her ex-boyfriend, the father of her child, is stalking her, that he has his hand in his black sweater, he always carries a weapon and previously shot her. The female caller was listed as being at Sterling Place and Flatbush Ave. Sector 77A arrived at the location at 5:02 p.m. and requested that the call be replayed for additional information. The job was listed as a dispute, a male black with a gun. Sector 77A had 1 male stopped at St. Johns and § 87(2)(b) at 5:05p.m. At 5:06p.m., ST1 (Sgt. Zelikov) responded and at 5:10 p.m., Sector A was en route to Flatbush and Sterling Place. A domestic incident report was prepared. No other officers were listed as responding to this incident (encl. 6A).

#### **SPRINT #§ 87(2)(b)**

This SPRINT report was generated for the complaint report taken from the female victim. No additional information was listed in the SPRINT (6C).

### **Roll Call**

The 77<sup>th</sup> Precinct Roll Call confirmed that Sgt. Zelikov, PO Weekes, PO Marsman and PO Savage were assigned to duty on March 16, 2012. The roll call did not clearly indicate who was Sgt. Zelikov's operator and listed PO Weekes as being assigned to an impact foot post. Additionally, a review of the roll call revealed that there were a total of 36 male officers assigned to impact of which 16 were white males, 7 Hispanic males, 8 black males, and 5 Asian males (encl. 6D-O).

### **77<sup>th</sup> Precinct RMP Assignment Sheet**

Sgt. Zelikov indicated in his testimony that he operated two different vehicles on the day of the incident. The vehicle assignment sheet listed that vehicle #4936 and #3854 are both patrol vehicles and not vans. However, impact did have a van assigned, #5897 on this date (encl. 6P).

#### **Summons/Arrest for Incident and Disposition**

- There were no summonses or arrests for this incident.

#### **Status of Civil Proceedings**

- Neither § 87(2)(b) or § 87(2)(b) has filed a Notice of Claim with the City of New York as of July 7, 2012, one month after the 90-day-filing period, with regard to the incident (encl. 7A).

#### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2F). § 87(2)(b) has one prior case, § 87(2)(b)

#### **Subject Officers CCRB History**

- PO Savage has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 2B).
- PO Marsman has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2A).
- Sgt. Zelikov has been a member of the service for eight years. The Board recommended charges for an entry and search allegation in case #201103208. In September 2012, the NYPD pursued no disciplinary action (encl. 2C-D).
- PO Weekes has been a member of the service for two years and there are no substantiated CCRB allegations against her (encl. 2E).

#### **Conclusion**

#### **Identification of Subject Officers**

- PO Marsman and PO Savage acknowledged their involvement in the stop of § 87(2)(b). As such, allegations are pleaded accordingly to them.
- § 87(2)(b) alleged that an officer who she initially could not describe, and later noted was a tall male with brown hair spoke discourteously to her and to § 87(2)(b) § 87(2)(b) did not provide a race for this male officer. According to her testimony and as supported by PO Savage and PO Weekes' testimony, there were more than the four identified officers present at the scene and they were assigned to impact. As discussed in the roll call section, there were 36 male officers assigned to impact on that day. There was no other documentation including the SPRINT which identified any other officers present at the scene. The officers' testimony did not yield the names of any of these officers. § 87(2)(g)

- § 87(2)(b) alleged that an officer who she described as a white male, 6'1"-6'2" tall, with blond hair exited a patrol car, identified himself as a sergeant and used the expletive fuck towards her and § 87(2)(b). Based on all statements, Sgt. Zelikov was the only sergeant at the scene and generally matches her description in that he is a 6'0" tall, 210lbs., white male with light brown hair. § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegations not pleaded**

§ 87(2)(b) alleged that § 87(2)(b) was strip-searched. However, during a phone conversation with § 87(2)(b) he noted that his undergarments were not exposed. Both § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) was frisked after a search of his person. § 87(2)(g)

§ 87(2)(b) alleged that an officer threatened to arrest § 87(2)(b). However, § 87(2)(b) did not make this allegation in her statement to the CCRB. § 87(2)(g)

PO Savage indicated that PO Marsman searched § 87(2)(b)'s back pack. § 87(2)(b) and § 87(2)(b) never made this allegation nor did PO Marsman corroborate that he took this action. § 87(2)(g)

#### **Allegation A – Abuse of Authority: PO Jason Marsman stopped § 87(2)(b)**

#### **Allegation C – Abuse of Authority: PO Jason Marsman searched § 87(2)(b)**

It is not disputed that PO Marsman and PO Savage responded to two radio runs involving a dispute at the location of the incident. It is not disputed that the two SPRINT report print-outs generated for this incident provided conflicting information as to the perpetrator sought and the attire he was wearing. § 87(2)(g)

PO Savage and PO Marsman provided contradictory statements as to the description relayed by the dispatcher and whether a firearm was suspected. Additionally, all the officers denied that a search of § 87(2)(b)'s person took place and that he was solely frisked. § 87(2)(g)

The handwritten Stop, Question and Frisk Report prepared by PO Marsman did not provide any additional information § 87(2)(g)

#### **Allegation B – Abuse of Authority: PO Christopher Savage spoke discourteously to § 87(2)(b)**

and § 87(2)(b)

#### **Allegation E – Discourtesy: Sgt. Vitaliy Zelikov spoke discourteously to § 87(2)(b)**

and § 87(2)(b)

§ 87(2)(b) alleged that PO Savage told her to “step the fuck back” twice, that he told her that everyone was a “fucking city worker” and told § 87(2)(b) to “Get the fuck out of here if you are not going to help.” PO Savage confirmed § 87(2)(b) and a second individuals’ presence at the scene, but denied that he verbally interacted with them. Sgt. Zelikov denied exiting his vehicle or verbally interacting with any of the civilians. Sgt. Zelikov and PO Savage denied using the expletive fuck towards any of the civilians. PO Weekes and PO Marsman denied that any officer

used any expletive. § 87(2)(g) [redacted]  
[redacted]  
[redacted]  
[redacted]

**Allegation D – Abuse of Authority: An officer spoke discourteously to § 87(2)(b) and § 87(2)(b)**

As discussed in the Subject Officer Identification section, § 87(2)(b) provided a very limited description of the subject officer. § 87(2)(g) [redacted]  
[redacted]  
[redacted]

§ 87(4-b) § 87(2)(g) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

[redacted]  
[redacted]

[redacted]  
[redacted]

---

Team: 2

Investigator: \_\_\_\_\_ Rita Bobe-Saleh \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

